

IN THE CLAIMS:

Please substitute for corresponding pending claims the claims as shown rewritten below with amendments effected therein.

21. (Twice amended) A method of anchoring articles within an enclosure bounded by a vertically extending peripheral boundary which defines an available bounded area within the enclosure, comprising the steps of:

providing support structure, said support structure including an attachment region of widened expanse defining discrete attachment locations at which the articles can be attachably positioned;

disposing the support structure within the enclosure;

securing said support structure within the enclosure to inhibit movement thereof with respect to the enclosure; and

fastening each of said articles to said support structure at selected ones of the discrete attachment locations for engagement thereto in a manner resisting detachment from said support structure, a number of said articles attached to said support structure being less than another number corresponding to the discrete attachment locations, such that some of said discrete attachment locations are unoccupied by the articles, whereby a range of different relative positional arrangements of the articles are achievable within said widened expanse.

22. (Amended) A method according to claim 21, wherein:

said support structure is positioned in the enclosure with said widened expanse oriented along a generally horizontal plane; and

said step of securing includes covering at least area portions of said widened expanse with a substrate layer.

CLAIM STATUS AND SUPPORT FOR AMENDMENTS

Claims 1-25 are now pending in this application. Claims 21 and 22 are rejected. Claims 1-20, 24 and 25 are allowed. Claims 21 and 22 are amended herein to clarify the invention, and to address matters of form unrelated to substantive patentability issues.

Claim 21 is amended to recite subject matter directed to a method in which at least two articles are fastened to a support structure, intentionally in a number less than the total available discrete attachment locations along its widened expanse, such that a portion of the discrete attachment locations remain unoccupied by articles. The relative spacing between the articles defined by unoccupied attachment locations and which are dependent on these selections by the user, allow many different article arrangements to be produced by the user.

Support for this claim feature added by amendment is derived from Figs. 1, 11 and 16, all which show less plants (i.e., articles) than attachment locations. Additional support is found in the text of the specification at column 5, lines 17-18, column 7, lines 22-34 column 10, lines 60-64, and column 13, lines 57-61.

Dependent claim 22 is amended merely to reflect changes in nomenclature of claim 22 from which it depends.

REMARKS

The applicant appreciates the Examiner's granting of the telephonic interview conducted on July 18, 2005, and extends thanks to the Examiner for his time and

consideration. During the interview, while no agreement was reached, possible amendments to bring the case into condition for allowance were discussed relative to claim 21 and the art of record. The amendments made herein reflect those discussions.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as obvious over Willinger (UK Pat 2,021,371). Applicant herein respectfully traverses this rejection.

It is respectfully submitted that a *prima facie* case of obviousness could not be established in rejection of amended claims 21 and 22. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection".

Independent claim 21 is amended and recites in pertinent part the following:

fastening each of said articles to said support
structure at selected ones of the discrete attachment
locations for engagement thereto in a manner resisting

detachment from said support structure, a number of said articles attached to said support structure being less than another number corresponding to the discrete attachment locations, such that some of said discrete attachment locations are unoccupied by the articles, whereby a range of different relative positional arrangements of the articles are achievable within said widened expanse

In accordance with the recitations of claim 21, not all available attachment locations along the widened expanse of the support structure are occupied by secured articles. This claim language of claim 21 allows a potentially wide variety of patterns and spacings of plants or articles to be formed by suitable attachment to the support structure, which would not be otherwise possible if all attachment locations were to be occupied by articles, for example, as taught by Willinger. In this regard, Willinger makes no provision for, nor does it suggest, leaving the single central attachment location, empty. Indeed, in accordance with the teachings of Willinger, there would be no purpose for placing a support base in an enclosure without an installed plant, hence no incentive for the user to employ the anchoring articles of Willinger in the manner as now claimed in claim 21.

Thus, it is respectfully submitted that the rejected claim 21 is not obvious in view of the cited reference for the reasons stated above. Claim 22 depends from claim 21, and therefore derives patentability at least in part therefrom. Reconsideration of the rejection of claims 21 and 22, and their allowance are respectfully requested.

Since subsequent changes to the claims have been entered after the original oath/declaration was entered, applicant submits herewith a supplemental oath/declaration, in which reference is made to the amendments filed January 28, 2002, April 7, 2003, November 17, 2003 and concurrently herewith.

Applicant respectfully requests a three (3) month extension of time to extend the response date to September 23, 2005. Please find Check No. 443 in the amount of \$510 to cover the above fee which accompanies a Petition For Extension filed herewith. It is noted applicant is a small entity.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Lawrence I. Wechsler".

Lawrence I. Wechsler
Applicant

One Wooleys Lane
Great Neck, NY 11023
(516) 773-3565